

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6917 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

AGRAWAL JAGGERY TRADERS

Versus

STATE OF GUJARAT

Appearance:

MR SH SANJANWALA for Petitioners
MR SK PATEL for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 17/09/1999

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. The petitioners prayed for issuance of writ of Mandamus and/or any other appropriate writ, order or direction directing the respondents No.1 to 4 to act according to law and to issue licences and/or permits to the petitioners to deal in rotten gur as applied for by them.

#. The application of the petitioners for grant of licence/permit has been rejected vide order dated 3.1.94 of respondent No.4. This application came to be rejected after filing of this special civil application.

#. The learned counsel for the petitioners does not dispute that this order is appealable. However, he prays for adjournment of this matter to amend the special civil application by incorporating the grounds to challenge this order.

#. I do not find any justification and merits in this prayer made by learned counsel for the petitioner. The order aforesaid is appealable and when efficacious alternative remedy is available to challenge that order, the petitioner first should avail of that remedy.

#. At this stage, the learned counsel for the petitioner made a grievance that in case now the petitioner files appeal the appellate authority may dismiss the same on the ground of limitation.

#. This grievance is not without any substance and merits. This order has been passed during the pendency of this special civil application and this petition remained pending for all this time. In view of this fact, it is expected of the appellate authority that in case the petitioner prefers appeal against this order within a period of fifteen days from today, the same may not be rejected only on the ground of limitation but may be decided on merits.

#. Subject to these observations, this special civil application is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated. No order as to costs.

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[sunil]